



UNITED STATES OF AMERICA  
DEPARTMENT OF TRANSPORTATION  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C.

Issued by the Department of Transportation on April 15, 1998

**NOTICE OF ACTION TAKEN -- DOCKET OST 98-3666**

This serves as notice to the public of the action described below, taken by the Department official indicated (no additional confirming order will be issued in this matter).

Applicant: **Haiti International Airline S.A.**

Date Filed: March 24, 1998

Relief requested: Exemption from 49 U.S.C. § 41301 to conduct scheduled foreign air transportation of persons, property and mail between Port au Prince, Haiti, and Miami, Florida, and New York, New York (including Newark); and charters in accordance with Part 212 of the Department's rules. The applicant would conduct these services only by wet leasing aircraft from a duly authorized and properly supervised U.S. or foreign air carrier.

If renewal, date and citation of last action: New authority

Applicant representative: Allan I. Mendelsohn

Responsive pleadings: None filed

**DISPOSITION**

Action: Approved

Action date: April 15, 1998

Effective dates of authority granted: April 15, 1998-April 15, 1999

Basis for approval (bilateral agreement/reciprocity): Comity and reciprocity with Haiti

Except to the extent exempted/waived, this authority is subject to the terms, conditions, and limitations indicated:

X Standard exemption conditions (attached)

Foreign air carrier permit conditions (Order - - )

Special conditions/Partial grant/Denial basis/Remarks: Based on the record in this case, we find that Haiti International is financially and operationally qualified to perform the services authorized above. However, we are unable to find that Haiti International is substantially owned and effectively controlled by Haitian nationals. Haiti International states that it is owned 55% by citizens of Haiti (Jean Claude N. Leger and Brigitte Guiteau) and 45% by Khan Rahman, a citizen of the Netherlands. In spite of the fact that we are unable to find that Haiti International is substantially owned and effectively controlled by homeland nationals, we find it appropriate to waive our ownership and control requirements. The carrier is properly licensed by the Government of Haiti to perform the proposed services, and there is no evidence on the record which would suggest that the ownership of the carrier would be inimical to U.S. aviation policy or interests.

Haiti International may not conduct U.S. operations with its own aircraft and crews without further order of the Department.<sup>1</sup>

**Action taken by: Paul L. Gretch, Director**  
**Office of International Aviation**

Under authority assigned by the Department in its regulations, 14 CFR Part 385, we found that (1) immediate action was required and was consistent with Department policy; (2) grant of the exemption was consistent with the public interest; and (3) grant of the authority would not constitute a major regulatory action under the Energy

<sup>1</sup> Haiti is currently a Category 3 country under the FAA's International Aviation Safety Assessment Program (IASA).

Policy and Conservation Act of 1975. To the extent not granted, we denied all requests in the referenced Docket. We may amend, modify, or revoke the authority granted in this Notice at any time without hearing at our discretion.

Persons entitled to petition the Department for review of the action set forth in this Notice under the Department's regulations, 14 CFR §385.30, may file their petitions within ten (10) days after the date of issuance of this Notice. This action was effective when taken, and the filing of a petition for review will not alter such effectiveness.

*An electronic version of this document is available on the World Wide Web at:  
<http://dms.dot.gov/general/orders/aviation.html>.*